



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR TRADE

The Director-General

Brussels,
TRADE/SW/C2 (2024) 6583203

Hans Wetzels
Naarderstraat 153
2574 PG Den Haag
THE NETHERLANDS

**By email only – with request for
explicit acknowledgment of receipt
by email reply:**

ask+request-14852-100c2c83@asktheeu.org

Subject: Your application for public access to documents – EASE 2024/4094

Dear Mr Wetzels,

I refer to your email application dated 31 July 2024, in which you make a request for public access to documents under Regulation (EC) No 1049/2001¹ ('Regulation 1049/2001'), registered on 1 August 2024 under the above-mentioned EASE reference number.

1. SCOPE OF YOUR REQUEST

In your request you ask for public access as follows:

'Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting all documents (starting from 8th May 2021 up until 31st July 2024) related to meetings between representatives of DG Trade and representatives of the European dairy industry (including trade associations, industry associations, law firms, individual companies and COPA COGECA) with regard to the EU-India free trade agreement.'

These documents should include:

- all agendas for each of these meetings;

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 20 May 2001 regarding public access to European Parliament, Council and Commission documents (Official Journal OJ L 145, 31.5.2001, p. 43).

- any record of the aforementioned meetings. This may include, but not necessarily be limited to, minutes of the meetings, verbatim reports of the meetings, transcripts etc, that would provide a record of the proceedings of the meetings;
- all documents prepared or received for the purpose of these meetings and/or distributed among the attendees before or during the course of these meetings (such as – but not limited to handouts, leaflets, briefings or background notes);
- all correspondence sent or received in preparation for these meetings and/or in order to arrange these meetings, including all attachments;
- all documents prepared or received with regards to and/or as a follow up to these meetings;
- all correspondence sent or received with regards to and/or as a follow up to these meetings, including all attachments.’

We have identified **three documents** falling within the scope of your request:

Doc 1 Ares(2023)541968	Meeting with CEELCA (10.01.2023)
Doc 2 Ares(2023)346870	Eucolait considerations on trade negotiations with India (22.02.2022)
Doc3 Ares(2023)139923	Report of the meeting with the EU Agricultural and Agri-Food Trade on the EU-AUS FTA and EU-India FTA negotiations (24.03.2023)

Two of the documents (documents 1 and 3) fall only partially within the scope of your request. In particular, document 1 includes a section dealing with an FTA negotiation other than the EU-India FTA negotiation; and document 3 reflects the positions of sectors other than the dairy industry. Therefore, the parts of the documents that are not relevant to your request, i.e. out of the scope of the public access application, have been redacted as ‘out-of-scope’.

We would like to inform you that, in addition, representatives of agricultural associations have participated in the civil society meetings regularly organised by DG Trade, including in the context of the Sustainability Impact Assessment prepared by the consultancy Trade Impact B.V. Civil Society Meetings involve a large number of organisations and do not have a specific sectoral focus. While such meetings seem to fall outside the scope of your request, we would like nonetheless to share the weblinks where you can find the relevant documentation:

- [Consultations | EU-India Trade SIA \(eu-india-tsia.eu\)](https://eu-india-tsia.eu)
- [EU trade meetings with Civil Society \(europa.eu\)](https://europa.eu)

2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION 1049/2001

Having examined the requested documents under the applicable legal framework, I am pleased to grant you full access to Document 2 and partial access to documents 1 and 3, with only personal data redacted.

A complete disclosure of the documents 1 and 3 is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation 1049/2001 (for details please see below).

Copies of the accessible documents in their redacted version are enclosed to the present letter.

Please note that **document 2** is an earlier version of a position paper that has been published on Eucolait's website ([2023_01_16-Eucolait-considerations-on-EU-India-negotiations-REVISED.pdf](#)). For the sake of transparency, we share the earlier document as it was transmitted to the Commission, but we invite you to consult the updated version for an accurate understanding of that organisation's position.

2.1. Protection of personal data (documents 1 and 3) – Article 4(1)(b) of Regulation 1049/2001

2.1.1. 'Personal data'

We disclose the identified documents 1 and 3 only partially, as they contain certain personal data, which must be redacted in accordance with Article 4(1)(b) of Regulation 1049/2001, namely:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and/or contact details of other natural persons – other than Commission staff members;

To this regard Article 4(1)(b) of Regulation 1049/2001 provides that '*[t]he institutions shall refuse access to a document where disclosure would undermine the protection of: [...] privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data*'.

The applicable legislation in this field is Regulation (EU) No 2018/1725² (hereafter 'Regulation 2018/1725' or 'Data Protection Regulation').

Article 3(1) of Regulation 2018/1725 provides that personal data means '*any information relating to an identified or identifiable natural person [...]*'. The Court of Justice has specified that any information, which by reason of its content, purpose or effect, is linked to

² Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.

a particular person is to be considered as personal data.³ Please note in this respect that the names, signatures, functions, email addresses, telephone numbers etc., and/or initials pertaining to staff members of an institution are to be considered personal data⁴, as well as those of individuals belonging to third parties. As already indicated above, both documents contain such personal information.

2.1.2. Question of 'transfer' of personal data and conclusion

Article 9(1)(b) of Regulation 2018/1725 does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation 1049/2001, access cannot be granted to the personal data, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

2.2. Disclaimer(s)

You may reuse public documents, which have been produced by the European Commission or by public and private entities on its behalf, based on [Commission Decision 2011/833/EU of 12 December 2011 on the re-use of Commission documents](#)⁵. You may reuse the documents disclosed free of charge for non-commercial and commercial purposes, provided that the source is acknowledged, and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume any liability stemming from the reuse.

Furthermore, please note that documents containing content of third party origin, i.e. either documents entirely originating from third parties or documents containing parts of third party origin (like in the present case: document 02) are disclosed to you based on Regulation 1049/2001. However, disclosure of such third party content is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from the reuse of those documents or parts of documents.

³ Judgment in *Peter Novak v Data Protection Commissioner*, case [C-434/16](#), points 33-35, ECLI:EU:T:2018:560.

⁴ Judgment in *Port de Brest v Commission*, case [T-39/17](#), points 43-44, ECLI:EU:T:2018:560.

⁵ OJ L 330, 14.12.2011, p. 39.

3. POSSIBILITY OF A CONFIRMATORY APPLICATION

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretariat-General of the Commission, either by

- **asking for a review via your portal⁶ account** (available only for initial requests submitted via the portal account), *or*
- **email** to sg-acc-doc@ec.europa.eu, *or*
- **letter post** to the following address:

European Commission
Secretariat-General
'Transparency, Document Management & Access to Documents' (unit SG C.1)
BERL 7/76
Rue de la Loi 200/Wetstraat 200
1049 Brussels
BELGIUM.

Yours sincerely,



Sabine WEYAND

Enclosures (4): Annex 'List of identified documents',
3 documents (thereof 2 *partially redacted*).

⁶ <https://www.ec.europa.eu/transparency/documents-request>